



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1998

Ms. Kristi Taylor  
Neiman & Barnes, L.L.P.  
Attorneys at Law  
P.O. Box 777  
Lewisville, Texas 75067

OR98-2667

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119368.

The Lewisville Police Department (the "department") received an open records request for a particular offense report pertaining to an alleged assault. You contend that, except for the first page of the offense report, the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. *See* Gov't Code § 552.108(c).

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The department therefore may withhold most of the information at issue at this time pursuant to section 552.108(a)(1).<sup>1</sup>

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The department therefore must release these types of information in accordance with *Houston*

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<sup>1</sup>Because we resolve your request under section 552.108, we need not address your section 552.101 claims.

*Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-- Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), including the appropriate information from the arrest report and the jail book-in sheet.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/mjc

Ref.: ID# 119368

Enclosures: Submitted documents

cc: Ms. Belen Soldevere  
1425 Flamingo Drive  
Lewisville, Texas 75077  
(w/o enclosures)